

### **HFS 46.08 Transportation.**

**(1) APPLICABILITY.** This section applies to all center-provided or center-contracted transportation of children, including both regularly scheduled transportation to and from the center and transportation for field trips that are under the auspices of the center.

*“Center-provided transportation” includes transportation provided by any employee acting under center auspices, including use of the employee’s own personal vehicle to transport child care children.*

### **(2) GENERAL.**

(a) The center is responsible for a child between the time the child is picked up until the child is delivered to the parent or to a responsible person designated by the parent.

(b) The following emergency information shall be carried in the vehicle for each child transported:

1. An address and telephone number where a parent or other adult can be reached in an emergency.
2. The name, address, and telephone number of the child’s physician or medical facility.
3. Written consent from the child’s parent for emergency medical treatment.

**Note:** The licensee may use either the Department’s form CFS-0056, Child Care Center Transportation Permission, or the licensee’s own form to obtain consent of the child’s parent for emergency medical treatment. Information on how to obtain the Department’s form is in Appendix E.

(c) Smoking is prohibited in the vehicle while children are being transported.

(d) The center administrator shall submit a copy of any accident report to the department within 5 days after the occurrence of an accident involving a vehicle transporting children.

### **(3) DRIVER.**

(a) The driver of a center-provided vehicle shall be or have all of the following:

*See note under HFS 46.08(1) for definition of center-provided transportation/vehicle.*

1. At least 18 years of age.

*This is in conformity with Wisconsin Statutes 121.55 which prohibits anyone under 18 years old from driving children. No exceptions will be granted.*

2. A valid Wisconsin operator’s license for the type of vehicle driven.
3. At least one year of experience as a licensed driver.

(b) The center shall have on file a copy of the driving record of the driver of a center-provided vehicle.

*It is recommended that driving records be checked annually.*

**46.08(3)(b)Note:**

**Note:** Information on how to obtain driver license records can be obtained by calling the Department of Transportation at 608-266-2353.

**(4) VEHICLE.**

(a) A vehicle used to transport children shall be:

1. Registered in Wisconsin.
2. Clean, uncluttered and free of obstructions on the floors, aisles and seats.
3. Enclosed. Children may not be transported in a truck except in the cab.

(b) Each child under 4 years of age or 40 pounds being transported in a vehicle with a seating capacity of 15 or fewer shall be seated and properly restrained in an individual child car safety seat. Each child age 4 years and above shall be restrained in an individual vehicle safety seat belt or a car safety seat. Each accompanying adult shall be restrained by an individual seat belt. Seat belts may not be shared.

*Children must be properly secured in a car seat, a booster seat or shoulder/lap belt correct for his or her size. All children under the age of 4 years or 40 pounds are required to in a child safety seat as specified in the rule.*

*2005 Wisconsin Act 106, Effective June 1, 2006. All children who weigh between 40 and 80 pounds and are not more than 4'9" tall who are at least 4 years old, but not more than 8 years old, must ride in a child booster seat. A child under age 8 who exceeds the weight or height requirements must be restrained in a seat belt. Children over age 8 must be restrained by a seat belt. If because of age, weight or height a child falls into more than one category, the more protective requirement must be met.*

*SEAT BELTS: If seat belts are present in a vehicle, the seat belt must be used to restrain a child being transported.*

*Seat belts are not required in some vehicles even though these vehicles have a capacity of 15 or fewer people including taxicabs, mopeds, motorcycles, snowmobiles and vehicles designed for 2 persons if there are 2 persons 4 years of age or older in the vehicle.*

*If a center owns, leases or contracts for a school bus, child seat belts or car safety seats are not required for children under age 4 because these vehicles were constructed to carry children without such devices.*

*The National Highway Traffic Safety Administration (NHTSA) modified its interpretation of a federal law in the early 1990s. That law relates to transporting children to and from schools and limits the number of children transported in passenger vans designed to carry more than 10 people. The interpretation of that law applies it to any agency that transports children to and from schools. See Appendix DD for information on this NHTSA re-interpretation and its effect on child care centers that transport children. Centers may be cited for violating this law under HFS 46.04(2)(a) which requires that centers comply with all applicable laws and rules.*

*INFANT / TODDLER RESTRAINTS: A child crash-tested restraint is a restraint that has been determined to perform satisfactorily in dynamic tests (simulated crash tests). Satisfactory performance is defined as meeting or exceeding the critical elements of the National Highway Traffic Safety Administration's 1974 proposed revision to Federal Motor Vehicle Safety Standard 213.*

**46.08(4)(b) continued**

*LIST OF RESTRAINTS: A list of currently approved child safety restraints and recalls may be obtained from the Wisconsin Information Network for Safety, 1007 Ellis St., Stevens Point, WI 54481, or from the website [www.childsafety.org](http://www.childsafety.org).*

*INTEGRATED SAFETY SEATS: Many new vehicles are equipped with integrated child safety seats that are designed for children who weigh at least 20 lb. and are at least 1 year of age. All infants younger than 1 year of age or who weigh less than 20 lb. should always ride in the back seat, positioned facing the rear of the vehicle in separate child safety seats.*

*For additional information call the NHTSA Auto Safety Hotline at (800) 424-9393.*

(c) Passenger doors shall be locked at all times when a vehicle transporting children is moving.

(d) Children under age 13 may not ride in the front seat. If a vehicle has a front passenger side air bag, the air bag shall be deactivated and inoperable during the period a child is a passenger in the front seat.

**(5) VEHICLE CAPACITY AND SUPERVISION.**

(a) Children may not be left unattended in a vehicle.

(b) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver in either of the following circumstances:

1. There are more than 3 children who are either under 2 years of age or have a handicap which limits their ability to respond in an emergency.

2. There are more than 10 children under 5 years of age in the vehicle.

(c) After transporting a child to his or her destination, an adult shall wait until the child enters the building or is in the custody of an adult designated by the parent, unless otherwise authorized by the parent of a school-age child.

(d) A seat in the vehicle shall be provided for each child. In a vehicle not required to have seat belts, the manufacturer shall determine the capacity of the vehicle.

**(6) REGULARLY SCHEDULED TRANSPORTATION.**

(a) When regularly scheduled transportation is provided by a center, the center shall maintain the following information in writing at the center and in each vehicle:

*Regularly-scheduled transportation is transportation scheduled at fixed intervals: for example,*

- *Transportation that is provided once a month for X number of months for a specific purpose.*
- *Transportation that is scheduled from school to center or from center to school on a fixed schedule.*
- *Transportation that is from home to the center or from the center to home.*

*Occasional emergency transportation and/or field trips on a one-time basis are not considered regularly-scheduled transportation.*

1. A list of children transported.

2. The transportation route and scheduled stops.

**46.08(6)(a)3.**

3. The name and address of the person authorized to receive a child if the child is dropped off at a place other than the child's residence.

4. Procedures to be followed when the parent or designated authorized adult is not at home to receive the child.

(b) The center shall maintain written safety precautions to be followed and implemented when transporting handicapped children who have a limited ability to respond in an emergency.

(c) When transportation services are contracted or chartered, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the center.

**(7) CENTER VEHICLES.**

(a) A center-provided vehicle shall be in safe operating condition. Except for licensed contract motor carrier vehicles, the licensee shall provide the department evidence of the vehicle's safe operating condition at 12-month intervals on a form the department provides. Licensed contract motor carrier vehicles shall comply with all applicable standards for those vehicles.

**Note:** The Department's form CFS-0052, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain a copy of the Department's form is in Appendix E.

*CFS-52 Vehicle Safety Inspection is to be signed by the owner/employee of a bona fide repair business such as garage, auto repair shop or service station. Name of repair business should appear on vehicle inspection form in addition to signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If inspection report indicates needed repairs, vehicle must be repaired and inspection form must note the indicated repair or replacement has been completed.*

*Head Start programs may submit a copy of the Federal Inspection required by the Head Start Performance standards in place of the vehicle safety inspection. No exception is necessary for Head Start programs.*

*See HFS 46.03(4m) for definition of center-provided vehicle.*

(b) A center-provided vehicle, other than a licensed contract motor carrier, shall be equipped with a first aid kit.

*First aid kit should include bandages, gauze, tape, gloves.*